

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Docket No. 4:07CR3148
v.)	
)	
GUSTAVO A. AVALOS,)	
)	ORDER
Defendant.)	
_____)	

IT IS ORDERED:

1. Defendant's motion to continue, [filing 74](#), is granted and the change of plea hearing is continued to September 9, 2008 at 1:00 p.m. before the undersigned magistrate judge in Courtroom 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.

2. The ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and the anticipated plea of guilty, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. [18 U.S.C. § 3161\(h\) \(8\) \(A\) & \(B\)](#).

3. Defendant shall appear at the hearing.

DATED: July 22, 2008.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge